S.B.Civil Writ Petition No.7223/2007
Heera Chand & Ors.
vs
The Civil Judge (Jr. Div.) Pali & Ors.

Date of order : 14.11.2007.

HON'BLE MR. PRAKASH TATIA, J.

Mr.G. Vaishnav, for the petitioners.

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Heard learned counsel for the petitioners.

In a suit for injunction based on the right of easement, the plaintiffs in para no.13(ka) asserted that they have right to go to the defendants' property for repair, white-wash etc and, thereafter, prayed that defendants be restrained from raising any construction over this land, obviously which may obstruct petitioners said alleged right. The petitioners, thereafter, submitted an application under Order 6 Rule 17 CPC for amending the plaint and particularly, for seeking relief with respect to the same matter as referred above. The said application was dismissed by the trial court by impugned order dated 7.8.2007.

After going through the reasons given in the impugned order dated 7.8.2007, I do not find any illegality in the impugned order and further there was no reason for the plaintiffs to not plead the fact, which now plaintiffs want to plead by way of

amendment.

In view of the above reasons, I do not find any reason to interfere in the impugned order. Hence, the writ petition of the petitioner is dismissed having no force.

(PRAKASH TATIA), J.

c.p.goyal/-